



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Barry Ng

**SUBJECT: WILD PIG DEPREDATION
ORDINANCE**

DATE: February 3, 2015

Approved

Date

2/3/15

RECOMMENDATION

Approval of an ordinance of the City of San José amending Section 10.32.010 of Title 10 of the San José Municipal Code to allow persons with a duly issued and approved wild pig depredation permit from the California Department of Fish and Wildlife to discharge a firearm within the limits of the City under specified circumstances.

OUTCOME

If approved, a permanent ordinance would allow certain individual property owners, under specified conditions, to obtain permits from the Department of Fish and Wildlife to trap and kill wild pigs causing damage to their property.

BACKGROUND

On November 5, 2013, the City Council passed an urgency ordinance which added an exception to the City's prohibition on the discharge of firearms for "a person with a trapping license and a wild pig depredation permit duly issued and approved by the California Department of Fish and Wildlife pursuant to Fish and Game Code Sections 4005 and 4181, who discharges a firearm to kill a trapped wild pig, provided the wild pig is trapped in accordance with state law and the discharge of the firearm occurs when the wild pig is trapped." This urgency ordinance was set to expire February 5, 2014. Following the passage of the initial urgency ordinance, no pigs were trapped or killed.

On January 29, 2014, the City Council extended the urgency ordinance an additional year, through February 2, 2015, so that more information and results could be provided to the City Council regarding the impact of the ordinance change. Specifically, Council:

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1. Extended the urgency ordinance until February 2, 2015, as recommended by staff, to prevent a gap in providing a solution to the wild pig issue within San José and to allow for the evaluation of the urgency ordinance through full seasonal migration patterns of local wild pig populations.
2. Directed staff to monitor complaints of wild pig incidences and record their observations on the effectiveness of the urgency ordinance and any challenges that ensue during the coming year.
3. Directed staff to continue to engage with stakeholders to encourage the County to consider taking concrete steps to reduce wild pig populations, through methods such as those employed in Monterey and Alameda Counties.
4. Directed staff to bring back to Council a recommendation for a permanent ordinance, with input from the appropriate departments including Animal Services and the SJPD, in early December 2014, so that the Council may consider it before the expiration of the urgency ordinance.

On January 27, 2015, the City Council approved the Administration's recommendation and directed staff to draft a permanent ordinance to exempt from the current prohibition on the discharge of firearms under San José Municipal Code Section 10.32.010 a person who discharges a firearm to kill a wild pig in compliance with certain conditions.

ANALYSIS

The following parameters are included in the draft ordinance:

1. A person must have a California wild pig depredation permit duly issued and approved by the California Department of Fish and Wildlife pursuant to California Fish and Game Code Section 4181 and California Code of Regulations Title 14 Section 401.
2. The wild pig(s) must be trapped in accordance with state law, and the discharge of the firearm must occur when the wild pig is trapped.
3. Any person seeking to discharge a firearm for the purposes of killing trapped pigs must first notify the Police Department prior to the discharge of a firearm.
4. Require any person who conducts wild pig depredation to first conduct non-lethal pig mitigation activities to deter long-term impacts prior to requesting the issuance of a permit, unless DFW has determined prior mitigation is not feasible.

The current urgency ordinance expired on February 2, 2015. If adopted by the City Council, the proposed ordinance allowing for a permanent exemption to the prohibition on discharge of firearms would be effective 30 days following the date of adoption. Relevant state regulations governing the trapping and depredation of pigs is attached to this memorandum.

EVALUATION AND FOLLOW UP

No additional follow-up is required at this time.

PUBLIC OUTREACH

This memorandum will be posted on the City Council Agenda website for the February 10, 2015 City Council meeting.

COORDINATION

This memorandum has been coordinated with the Department of Planning, Building and Code Enforcement, the Police Department, and the City Attorney's Office.

CEQA

The environmental impacts of this change are addressed by a Final EIR entitled "Santa Clara Valley Habitat Plan," Resolution No. 76546, and the Addendum to the FEIR prepared for Ordinance No. 29336 under File No. PP13-103.

/s/
BARRY NG
Interim Director of Public Works

For questions, please contact Jon Cicirelli, Interim Assistant Director, Public Works at 408-794-7223.

Attachment

Barclays Official California Code of Regulations Currentness

Title 14. Natural Resources

Division 1. Fish and Game Commission-Department of Fish and Game

Subdivision 2. Game and Furbearers

Chapter 4. Depredation (Refs & Annos)

14 CCR § 401

§ 401. Issuance of Permit to Take Animals Causing Damage.

(a) Application. A person who is a property owner or tenant may apply to the department for a permit to take elk, bear, bobcat, beaver, wild pigs, deer, wild turkeys, or gray squirrels that are damaging or destroying, or immediately threatening to damage or destroy, land or property. A bobcat in the act of injuring or killing livestock may be taken immediately provided the property owner or tenant applies for a permit from the department the next working day following the take.

(b) Permit Period.

(1) Permits issued pursuant to this section for beaver, wild pigs, or gray squirrels shall be valid for a period not to exceed one year.

(2) Permits issued pursuant to this section for bobcat, elk, bear, wild turkey, or deer shall be valid for a period not to exceed 60 consecutive days.

(3) Permits issued pursuant to this section authorizing the use of dogs for bear or bobcat shall authorize no more than three dogs and shall be valid for a period not to exceed 20 consecutive days.

(4) Permits may be renewed if damage or threatened damage to land or property continues to exist.

(c) Required Information and Conditions of Permit.

(1) The department shall collect the following information before issuing a depredation permit:

(A) The name, mailing address, and contact information of the property owner, including telephone, facsimile, and email. If the owner is a business entity, contact information for the person acting on behalf of the business.

(B) The name, mailing address, and contact information of the tenant (if applicable), including telephone, facsimile, and email.

(C) The name, mailing address, and contact information of any dog handlers or agents as described in subdivision (e), including telephone, facsimile, and email.

(D) The county and address of the location of the damage caused by depredation, or the nearest landmark or cross streets.

(E) A full description of the land or property damaged, destroyed, or immediately threatened, and the date the damage or threat occurred.

(F) The species suspected of damaging, destroying, or threatening land or property, and the method of identifying the species.

(G) A description of all non-lethal or less-lethal measures undertaken to prevent damage caused by animals prior to requesting the permit.

(H) A description of corrective actions that will be implemented to prevent future occurrence of the damage.

(I) The proposed method of take.

(J) Whether dogs will be used to pursue or take the animal, and if so, why dogs are needed, and the number of dogs to be used.

(2) The department may add terms and conditions to the permit necessary to protect wildlife and ensure public safety. To be valid, the permit shall contain a statement signed by the applicant that he/she has read, understands, and agrees to be bound by all the terms of the permit.

(d) Methods of Take.

(1) Animals taken pursuant to a permit may be taken in any legal manner except as herein provided and in accordance with the provisions of Section 465.5 of these regulations. Permits to take deer shall include conditions that comply with Fish and Game Code section 4181.5. Permits to take bear and bobcat with dogs shall include conditions that comply with Fish and Game Code Section 3960.2. No steel-jawed leghold traps may be used to take mammals, and no iron-jawed or any type of metal-jawed traps may be used to take squirrels or bears. No poison may be used. The department may specify the caliber and type of firearm and ammunition, archery equipment or crossbow to be used. The department may require that a permittee take animals alive by the use of live traps.

(2) The permittee and/or agent shall ensure that all animals are killed in a humane manner instantly and prevent any injured animal from escaping.

(e) Government Employees and Designated Agents.

(1) An employee of a federal, State, or local government agency or local district with responsibilities including but not limited to animal control, animal damage control, irrigation, flood, or natural resource reclamation, while acting in his/her official capacity may take depredating animals on the property designated in a permit issued pursuant to this section.

(2) The permittee may designate up to three other persons, including any dog handler who will be utilized in any pursuit, as his/her agents to take animals under the terms of the permit. A designated agent shall be any person who is acting under the direction and control of the permittee and who is 21 years of age or older. The designated agent(s) shall be named on the permit. The permittee may substitute designated agents with prior written approval of the department.

(f) Persons Prohibited from Taking Animals. No person shall take animals pursuant to the permit if he/she has been convicted of a violation related to the take or possession of game or furbearing mammals in the past 24 months or if he/she is on probation and may not hunt or possess a firearm as part of the terms of probation. A landowner who is on probation and may not hunt or possess a firearm as part of the terms of probation shall designate a qualified agent to take animals under a permit.

(g) Reports Required.

(1) Holders of permits authorizing take of wild pigs shall provide a report listing the date and sex of each wild pig taken. A report shall be submitted whether or not any animals were taken. The reporting period shall be by calendar month. The permittee or designated agent shall complete and submit the report to the department on or before the 15th day of the following month. Reports shall be submitted to the address provided by the department.

(2) Holders of permits authorizing the use of dogs to take bear or bobcat shall comply with the requirements of Fish & Game Code section 3960.2 and shall submit a report to the department within 30 days of permit issuance. Reports shall be submitted to the address provided by the department. Reports shall include the following information:

(A) Date of kill and the sex of any bear or bobcat that was killed.

(B) Details regarding all pursuits, including any information about a pursued bear or bobcat, even if the animal was not killed.

(C) An explanation of why any pursued bear or bobcat was not killed, and whether such bear or bobcat was harmed.

(h) Tagging Animals. All animals taken pursuant to a permit, except wild pigs, shall be immediately tagged with tags provided by the department. Wild pigs shall be tagged prior to being transported from the property designated in the permit. Tags for animals except wild pigs shall be completed at the time the animal is taken. Tags for wild pigs shall be completed before the wild pigs are removed from the property. Tags shall clearly show the permittee's name, address, date and location the animal was taken and shall include the signature of the person taking the animal. The report portion of each tag shall be mailed to the department without delay. No tags are required for squirrels or beavers.

(i) Utilization of Carcass. Animals taken pursuant to this permit must be disposed of as required in the permit. No animals, except wild pigs, may be utilized by the permittee or designated agent. The permittee or designated agent may leave the carcass of any wild pig where it was taken for reasons of high air temperatures, disease, parasites, or conditions which preclude use of the carcass. A person who makes every reasonable attempt to utilize the carcass of any wild pig as required in this subsection shall be deemed to be in compliance with Section 4304 of the Fish and Game Code.

(1) After any taking of bear, the permittee or agent shall comply with Section 367.5 of these regulations, except the skull shall not be returned to the permittee or agent.

(j) Suspension and Revocation of Permits.

(1) Permits may be suspended temporarily by the director for a breach or violation of the permit by the holders thereof, their agents, servants, employees or any person acting under their direction and control. The commission shall be notified of any such suspension and subsequently may revoke or reinstate the permit, or fix the period of its suspension, after written notice to the permittee and the permittee has been afforded an opportunity to be heard.

(2) Any person who has had his/her permit revoked or suspended by the commission shall be required, upon application for a new or subsequent permit, to appear before the commission and demonstrate to its satisfaction that the use of such a permit will be consistent with depredation control, with these regulations, and with the laws under which they are promulgated.

(k) It is unlawful for a permittee or agent to violate any of the terms or conditions of a permit issued pursuant to this section.

(l) The permit does not invalidate any city, county, or state firearm regulation.

Note: Authority cited: Sections 200, 202, 1050, 3960.2, 4150, 4181 and 4181.5, Fish and Game Code. Reference: Sections 3003.1, 3960, 3960.2, 4150, 4152, 4181 and 4181.5, Fish and Game Code.

HISTORY

1. New subsection (p) filed 6-17-83; designated effective tenth day thereafter (Register 83, No. 25).

§ 401. Issuance of Permit to Take Animals Causing Damage., 14 CA ADC § 401

2. Amendment of subsections (a) and (f) filed 8-17-87; operative 8-17-87 (Register 87, No. 34).
3. Change without regulatory effect amending subsection (a) filed 3-28-96 pursuant to section 100, title 1, California Code of Regulations (Register 96, No. 13).
4. Repealer of subsections (p)-(p)6. and new subsections (p)-(p)(5) and amendment of Note filed 5-1-97; operative 5-1-97 pursuant to Government Code section 11343.4(d) (Register 97, No. 18).
5. Amendment of subsections (a), (f), (l) and (p)(1) and amendment of Note filed 6-2-99; operative 6-2-99 pursuant to Fish and Game Code sections 202 and 215 (Register 99, No. 23).
6. Amendment of subsections (e)-(f) and (p)(1)(B)-(p)(4), new subsections (p)(5)-(6) and subsection renumbering filed 5-21-2001; operative 6-1-2001 pursuant to Fish and Game Code sections 202 and 215 (Register 2001, No. 21).
7. Repealer and new section filed 6-28-2002; operative 6-28-2002 pursuant to Fish and Game Code sections 202 and 215 (Register 2002, No. 26).
8. Amendment of subsections (a)-(c) and (d)(1), repealer of subsection (d)(2), subsection renumbering and amendment of newly designated subsection (d)(2) and subsections (g) and (h) filed 5-23-2006; operative 5-23-2006 pursuant to Government Code section 11343.4 (Register 2006, No. 21).
9. Editorial correction of subsection (d)(2) (Register 2006, No. 28).
10. Amendment of section and Note filed 10-2-2013; operative 11-1-2013 pursuant to Government Code section 11343.4(b)(4)(A) (Register 2013, No. 40).

This database is current through 1/16/15 Register 2015, No. 3

14 CCR § 401, 14 CA ADC § 401

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Barclays Official California Code of Regulations Currentness

Title 14. Natural Resources

Division 1. Fish and Game Commission-Department of Fish and Game

Subdivision 2. Game and Furbearers

Chapter 5. Furbearing Mammals (Refs & Annos)

14 CCR § 465.5

§ 465.5. Use of Traps.

(a) Traps Defined. Traps are defined to include padded-jaw leg-hold, steel-jawed leg-hold, and conibear traps, snares, dead-falls, cage traps and other devices designed to confine, hold, grasp, grip, clamp or crush animals' bodies or body parts.

(b) Affected Mammals Defined. For purposes of this section, furbearing mammals, game mammals, nongame mammals, and protected mammals are those mammals so defined by statute on January 1, 1997, in sections 3950, 4000, 4150 and 4700 of the Fish and Game Code.

(c) Prohibition on Trapping for the Purposes of Recreation or Commerce in Fur. It is unlawful for any person to trap for the purposes of recreation or commerce in fur any furbearing mammal or nongame mammal with any body-gripping trap. A body-gripping trap is one that grips the mammal's body or body part, including, but not limited to, steel-jawed leg-hold traps, padded-jaw leg-hold traps, conibear traps, and snares. Cage and box traps, nets, suitcase-type live beaver traps, and common rat and mouse traps shall not be considered body-gripping traps and may be used to trap for the purposes of recreation or commerce in fur any furbearing or nongame mammal.

(d) Prohibition on Exchange of Raw Fur. It is unlawful for any person to buy, sell, barter, or otherwise exchange for profit, or to offer to buy, sell, barter, or otherwise exchange for profit, the raw fur, as defined by Section 4005 of the Fish and Game Code, of any furbearing mammal or nongame mammal that was trapped in this state, with a body-gripping trap as described in subsection (c) above.

(e) Prohibition on Use of Steel-jawed Leg-hold Traps by Individuals. It is unlawful for any person to use or authorize the use of any steel-jawed leg-hold trap, padded or otherwise, to capture any game mammal, furbearing mammal, nongame mammal, protected mammal, or any dog or cat.

(1) Exception for Extraordinary Case to Protect Human Health or Safety. The prohibition in subsection (e) does not apply to federal, state, county, or municipal government employees or their duly authorized agents in the extraordinary case where the otherwise prohibited padded-jaw leg-hold trap is the only method available to protect human health or safety.

(A) Leg-hold Trap Requirements. Leg-hold traps used to implement subsection (e)(1) must be padded, commercially manufactured, and equipped as provided in subsections (A)1. through (A)5. below.

1. Anchor Chains. Anchor chains must be attached to the center of the padded trap, rather than the side.
2. Chain Swivels. Anchor chains must have a double swivel mechanism attached as follows: One swivel is required where the chain attaches to the center of the trap. The second swivel may be located at any point along the chain, but it must be functional at all times.
3. Shock Absorbing Device. A shock absorbing device such as a spring must be in the anchor chain.
4. Tension Device. Padded leg-hold traps must be equipped with a commercially manufactured pan tension adjusting device.
5. Trap Pads. Trap pads must be replaced with new pads when worn and maintained in good condition.

(f) Use of Non-Body-Gripping Traps for Purposes of Recreation or Commerce in Fur. Any person who utilizes non-body-gripping traps for the take of furbearing mammals and nongame mammals for purposes of recreation or commerce in fur must comply with the provisions of subsections (g)(1) through (3) below.

(1) Trap Number Requirement. Any person who traps furbearing mammals or nongame mammals shall obtain a trap number issued by and registered with the department. All traps, before being put into use, shall bear only the current registered trap number or numbers of the person using, or in possession of those traps. This number shall be stamped clearly on the trap or on a metal tag attached to the chain of the trap or to any part of the trap.

(g) Use of Conibear Traps, Snares, Cage and Box Traps, Nets, Suitcase-type Live Beaver Traps and Common Rat and Mouse Traps for Purposes Unrelated to Recreation or Commerce in Fur. Conibear traps, snares, cage and box traps, nets, suitcase-type live beaver traps and common rat and mouse traps may be used by individuals to take authorized mammals for purposes unrelated to recreation or commerce in fur, including, but not limited to, the protection of property, in accordance with subsections (1) through (5) below. Except for common rat and mouse traps, all traps used pursuant to this subsection must be numbered as required by subsection (f)(1) above. The prohibitions of subsections (c) and (d) above shall apply to any furbearing or nongame mammal taken by a conibear trap or snare pursuant to this subsection (g).

(1) Immediate Dispatch or Release. All furbearing and nongame mammals that are legal to trap must be immediately killed or released. Unless released, trapped animals shall be killed by shooting where local ordinances, landowners, and safety permit. This regulation does not prohibit employees of federal, state, or local government from using chemical euthanasia to dispatch trapped animals.

(2) Trap Visitation Requirement. All traps shall be visited at least once daily by the owner of the traps or his/her designee. Such designee shall carry on his/her person written authorization, as owner's representative, to check traps. In the event that an unforeseen medical emergency prevents the owner of the traps from visiting

traps another person may, with written authorization from the owner, check traps as required. The designee and the person who issues the authorization to check traps shall comply with all provisions of Section 465.5. Each time traps are checked all trapped animals shall be removed.

(3) Trap Placement Requirement. Traps may not be set within 150 yards of any structure used as a permanent or temporary residence, unless such traps are set by a person controlling such property or by a person who has and is carrying with him written consent of the landowner to so place the trap or traps.

(4) Placement of Conibear Traps. Traps of the conibear-type with a jaw opening larger than 8" x 8" may be used only in sets where the trap is wholly or partially submerged in water or is:

(A) Within 100 feet of permanent water.

(B) Within 100 feet of seasonally flooded marshes, pastures, agricultural lands or floodways when standing or running water is present.

(C) Within the riparian vegetation zone, characterized by, but not limited to, willow, cottonwood, sycamore, salt cedar, cattail, bulrush and rushes, when found within the area defined in section 463(a) where the take of beaver is permitted.

(5) Zones Prohibited to the Use of Conibear-type Traps and Snares. Conibear-type traps and snares, except those totally submerged, and deadfall traps are prohibited in the following zones.

(A) Zone 1: Beginning at Interstate 5 and Highway 89, east on Highway 89 to Harris Springs Road near Bartle, north on Harris Springs Road (primary U.S. Forest Service Road 15) to Powder Hill Road (primary U.S. Forest Service Road 49), northeast on Powder Hill Road to Road 42N56, east on Road 42N56 to the Siskiyou/Modoc county line, north on the Siskiyou/Modoc county line to the boundary of the Lava Beds National Monument, north along the eastern boundary of the Lava Beds National Monument, then west then south along the western boundary of the Lava Beds National Monument to Road 46N21, west along Road 46N21 over Gold Digger Pass to the western boundary of the Modoc National Forest, south along the western boundary of the Modoc National Forest to the boundary of the Shasta National Forest, west along the northern boundary of the Shasta National Forest to Highway 97, southwest on Highway 97 to Interstate 5, northwest on Interstate 5 to Old Highway 99, northwest on Old Highway 99 to Stewart Springs Road, southwest on Stewart Springs Road to the Yreka Ditch, west along the Yreka Ditch to the Gazelle/Callahan Road, southwest on the Gazelle/Callahan Road to Highway 3, south on Highway 3 to Ramshorn Road, northeast on Ramshorn Road to Castle Creek Road, east on Castle Creek Road to Interstate 5, north on Interstate 5 to the point of beginning.

(B) Zone 2: Beginning in Tehama County at the intersection of Highway 36 and the western boundary of the Lassen National Forest, south along the western boundary of the Lassen National Forest to the boundary of the Plumas National Forest, south along the western boundary of the Plumas National Forest to the boundary of the Tahoe National Forest, south along the western boundary of the Tahoe National Forest to the boundary of the El Dorado National Forest, south along the western boundary of the El Dorado National Forest to the boundary of the Stanislaus National Forest, south along the western boundary of the Stanislaus National

Forest to the boundary of the Sierra National Forest, south along the western boundary of the Sierra National Forest to the boundary of the Sequoia National Forest, south along the western boundary of the Sequoia National Forest to Highway 245, southwest on Highway 245 to Road 168, southwest on Road 168 to County Road J40, west on County Road J40 to Henderson Road, northwest on Henderson Road to Lincoln Avenue, west on Lincoln Avenue to Highway 145, north on Highway 145 to Avenue 7, west on Avenue 7 to Road 21, north on Road 21 to Avenue 12, west on Avenue 12 to Road 16, north on Road 16 to Avenue 18 1/2, west on Avenue 18 1/2 to Road 9, north on Road 9 to Highway 152, west on Highway 152 to Highway 59, north on Highway 59 to Highway 99, northwest on Highway 99 to Highway 140, west on Highway 140 to Highway 33, north on Highway 33 to Interstate 5, north on Interstate 5 to County Road J4, west on County Road J4 to County Road J2, north on County Road J2 to Highway 4, west on Highway 4 to Lone Tree Way, west on Lone Tree Way to James Donlon Boulevard, west on James Donlon Boulevard to Somersville Road, south on Somersville Road to Nortonville Road, north on Nortonville Road to Kirker Pass Road, southwest on Kirker Pass Road to Clayton Road, southeast on Clayton Road to Mitchell Canyon Road, south on Mitchell Canyon Road to the boundary of Mount Diablo State Park, south along the western boundary of Mount Diablo State Park to Mt. Diablo Scenic Boulevard, south on Mt. Diablo Scenic Boulevard to Blackhawk Road, southeast on Blackhawk Road to Camino Tassajara, west on Camino Tassajara to Dougherty Road, south on Dougherty Road to Interstate 580, west on Interstate 580 to Interstate 680, south on Interstate 680 to Highway 84, northeast on Highway 84 to Holmes Street, south on Holmes Street to Wetmore Road, east on Wetmore Road to Arroyo Road, south on Arroyo Road to Del Valle Regional Park, southeast along the western boundary of Del Valle Regional Park to Arroyo Del Valle Creek, southeast on Arroyo Del Valle Creek to the Alameda/Santa Clara county line, east on the Alameda/Santa Clara county line to San Antonio Valley Road, south on San Antonio Valley Road to Del Puerto Canyon Road, east on Del Puerto Canyon Road to Santa Clara/Stanslaus county line, south along the Santa Clara/Stanslaus county line to the Santa Clara/Merced county line, south along the Santa Clara/Merced county line to the San Benito/Merced county line, south along the San Benito/Merced county line to Little Panoche Road, south on Little Panoche Road to Panoche Road, east on Panoche Road to New Idria Road, south along New Idria Road to Clear Creek Road, southwest on Clear Creek Road to Coalinga Road, southeast on Coalinga Road to Coalinga-Mineral Springs Road, south on Coalinga-Mineral Springs Road to Highway 198, east on Highway 198 to Parkfield Grade, south on Parkfield Grade to Vineyard Canyon Road, west on Vineyard Canyon Road to Highway 101, north on Highway 101 to Bradley Road, north on Bradley Road to Sargents Road, north on Sargents Road to Pancho Rico Road, west on Pancho Rico Road to Cattleman's Road, north on Cattleman's Road to Highway 198, west on Highway 198 to Highway 101, north on Highway 101 to County Road G13, northeast on County Road G13 to Highway 25, north on Highway 25 to Browns Valley Road, north on Browns Valley Road to Santa Anita Road, northwest on Santa Anita Road to Santa Ana Valley Road, north on Santa Ana Valley Road to Fairview Road, north on Fairview Road to Highway 156, north on Highway 156 to Highway 152, southwest on Highway 152 to County Road G7, southwest on County Road G7 to Highway 25, west on Highway 25 to Highway 101, south on Highway 101 to the San Benito/Monterey county line, south on the San Benito/Monterey county line to Highway 146, west on Highway 146 to Highway 101, south on Highway 101 to Paraiso Springs Road, south on Paraiso Springs Road to County Road G17, south on County Road G17 to County Road 16, northeast on County Road 16 to Central Avenue, southeast on Central Avenue to Highway 101, south on Highway 101 to County Road G14, south on County Road G14 to Milpitas Road, west on Milpitas Road to the boundary of Fort Hunter Liggett, south along the western boundary of Fort Hunter Liggett to the Nacimiento River, southeast along the Nacimiento River to Nacimiento Reservoir, southeast along the western boundary of Nacimiento Reservoir to Chimney Rock Road, south on Chimney Rock Road to Klau Mine Road, south on Klau Mine Road to Adelaida Road, east on Adelaida Road to Vineyard Drive, southeast on Vineyard Drive to Highway 101, south on Highway 101 to Highway 41, east on Highway 41 to Highway 229, south on Highway 229 to Creston O'Donovan Road, southeast on Creston O'Donovan Road to Highway 58, east on Highway 58 to the boundary of the Los Padres National Forest, south and east along the eastern boundary of the Los Padres National Forest to Highway 33, south on Highway 33 to Quatal

Canyon Road, east on Quatal Canyon Road to Cerro Noroeste Road, east on Cerro Noroeste Road to Cuddy Valley Road, east on Cuddy Valley Road to Interstate 5, north on Interstate 5 to Wheeler Ridge Road, east on Wheeler Ridge Road to Laval Road, east on Laval Road to Rancho Road, north on Rancho Road to Sycamore Road, east on Sycamore Road to Tejon Highway, north on Tejon Highway to Highway 223, northeast on Highway 223 to Highway 58, east on Highway 58 to Caliente Bodfish Road, north on Caliente Bodfish Road to Highway 155, northeast then west on Highway 155 to the eastern boundary of the Sequoia National Forest, north and east along the southern boundary of the Sequoia National Forest to the Dome Land Wilderness, north along the eastern boundary of the Dome Land Wilderness to the boundary of the Inyo National Forest, north along the eastern boundary of the Inyo National Forest west of Highway 395 to the intersection of Inyo National Forest and Highway 395 near Sherwin Summit in Mono County, north on Highway 395 to the California/Nevada state line, north on the California/Nevada state line to Highway 395 in Sierra County, north on Highway 395 to Long Valley Road, south on Long Valley Road to the boundary of the Toiyabe National Forest, west along the Toiyabe National Forest boundary to the Tahoe National Forest boundary, west then south then west then north along the Tahoe National Forest boundary to the Plumas National Forest boundary, north then east then north along the eastern boundary of the Plumas National Forest to the Lassen National Forest boundary, north along the eastern boundary of the Lassen National Forest to the northern boundary of the Lassen National Forest, west along the northern boundary of the Lassen National Forest to the western boundary of the Lassen National Forest, south along the western boundary of the Lassen National Forest to the point of beginning.

(h) Statutory Penalty for Violation of Provisions. Violation of Section 3003.1 or 3003.2 of the Fish and Game Code, or any rule or regulation, including this Section 465.5, adopted pursuant thereto, is punishable by a fine of not less than three hundred dollars (\$300) or more than two thousand dollars (\$2,000), or by imprisonment in the county jail for not more than one year, or by both that fine and imprisonment.

Note: Authority cited: Sections 200, 202, 203, 219, 240, 3003.1, 4005 and 4009.5, Fish and Game Code. Reference: Sections 200, 202, 203, 203.1, 207, 3003.1, 4004, 4005, 4009.5, 4152 and 4180 , Fish and Game Code.

HISTORY

1. Amendment of subsections (d) and (e) filed 7-1-86; effective upon filing (Register 86, No. 27). For prior history, see Register 84, No. 48.

2. Amendment of subsection (c) filed 5-31-88; operative 5-31-88 (Register 88, No. 23).

3. New subsections (h) and (i) filed 11-29-90 as an emergency; operative 11-29-90 (Register 91, No. 6). A Certificate of Compliance must be transmitted to OAL by 3-29-91 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as to 11-29-90 order transmitted to OAL 3-28-91 and filed 4-29-91 (Register 91, No. 25).

5. Amendment filed 10-31-91; operative 10-31-91 pursuant to Government Code section 11346.2(d) (Register 92, No. 7).

6. Amendment of subsections (a), (b), (b)(2), (f), (g), (j) and new subsection (b)(5) filed 9-4-92; operative 9-4-92 pursuant to Fish and Game sections 202 and 215 (Register 92, No. 36).

§ 465.5. Use of Traps., 14 CA ADC § 465.5

7. Amendment of section and Note filed 6-2-99; operative 6-2-99 pursuant to Fish and Game Code sections 202 and 215 (Register 99, No. 23).

8. Amendment of subsection (g)(1) filed 6-27-2000; operative 6-27-2000 pursuant to Fish and Game Code sections 202 and 205 (Register 2000, No. 26).

This database is current through 1/16/15 Register 2015, No. 3

14 CCR § 465.5, 14 CA ADC § 465.5

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